

Editorial foreword

The Editorial Board is pleased to present the 8th volume of the Yearbook of Antitrust and Regulatory Studies (YARS 2013, 6(8)). This volume continues and develops YARS's new mission – presenting developments in antitrust and sector-specific regulation not only, as originally envisaged, in Central and Eastern Europe, but also in the Balkans.

The first article in YARS 2013, 6(8) is written by Alexandr Svetlicinii and concerns the concepts of an ‘undertaking’ and ‘economic activities’ in the competition law of Bosnia & Herzegovina. The analysis focuses on the application of these two notions with respect to the functioning of state (public) entities. The author assessed the impact of EU law and jurisprudence on the national enforcement practice and presents the peculiarities of the domestic system in this regard.

Dusan Popovic identifies in his article three key problems of the enforcement of competition law in Serbia, a country with a rather weak economy. Among them is the arguably privileged treatment of state-owned companies. This is reflected in a reluctant antitrust enforcement in ‘sensitive’ industry sectors, which are still dominated by state-owned companies.

Csongor Istvan Nagy writes about the decisions of the Hungarian competition authority with respect to the abuse of dominance, comparing them with EU jurisprudence and the case law of the European Commission. The author claims that domestic and EU standards for the application of the abuse of dominance prohibition diverge. These differences are identified in the article as well as their results both for the competition law enforcement system as such, and for the market situation of individual undertakings.

The three following papers present the state of the development of private enforcement of competition law in Slovenia (Maja Brkan and Tanja Bratina), Poland (Agata Jurkowska-Gomułka) and Estonia (Karin Sein). The authors analyze relevant national jurisprudence, if there is any, or assess the reasons for its absence. All three articles, despite referring to different jurisdictions, illustrate the under-development of private enforcement of competition law in their domestic systems of competition protection.

The current volume of YARS contains also a number of legislative and jurisprudential reviews. It opens with a paper by Anna Piszcz on the 2012 developments in Polish antitrust law and jurisprudence. Roman Svetnický, Robert Neruda and Lenka Gachová resent next the recent amendments to the Czech Competition Act. The following two papers, written by Pál Szilágyi and Tihamér Tóth and by Aranka Nagy, concern competition law developments in Hungary in 2012. Nora Ziba Memeti and Adnan Jashari sum up the competition law enforcement practice in Macedonia in 2011-2012. Finally, Zuzana Šabová, Katarína Fodorová and Daniela Lukáčová discuss 2012 developments in the competition law of Slovakia.

The next part of YARS 2013, 6(8) is devoted to case comments. It includes an assessment of a judgment of the Polish Supreme Court delivered in an abuse of a dominant position case (prepared by Elżbieta Krajewska), a discussion of cartel judgments rendered by the court in Brno (written by Petra Pipkova) and finally, an analysis of judgments adopted by the Slovak Supreme Court regarding dawn raids (written by Ondrej Blažo).

In its book review section, the current volume of YARS presents the reviews of two books on competition law and IPRs both published in 2012, one in Poland and one in Serbia.

Finally, YARS 2013, 6(8) contains also two conference reports and the CARS Activity Report for 2012. The volume closes with antitrust and regulatory bibliography for 2012 in Poland, Croatia, the Czech Republic, Estonia, Hungary, Macedonia and Slovakia.

Two separate YARS volumes will be published in 2014. Aside from the regular volume, a special volume will be dedicated to the impact of EU law on domestic competition law and sector-specific regulation over the ten years of the CEE countries' membership in the EU. A Call for papers for each of the volumes will be announced shortly on the YARS website. The YARS special volume is expected to become the first product prepared within the framework of CRANE – a newly established network of academics from CEE countries specialising in antitrust and regulation.

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